IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2989 OF 2006

IN

SUIT NO.1124 OF 1988

Tata International Ltd., .. Plaintiff.

V/s.

M/s.Madhav Corpn. And Ors. .. Defendants.

Shri.Rahul Narichania a/w. Ms.I.Sen i/b.Mulla & Mulla for the plaintiff.

Shri.Santosh Shetty i/b.M.P.Vashi for the defendants.

CORAM : Dr.D.Y.CHANDRACHUD, J.

DATED : 23rd November, 2006.

P.C.

The Notice of Motion is taken on board by consent since the suit is before the Court for hearing. The motion seeks condonation of delay in filing the Written Statement and for directions of the Court, permitting the defendants to file the Written Statement.

From the affidavit in support of the Notice

of Motion, it appears that the papers in the suit were handed over to an advocate, Shri.K.S.Jain, by the defendant. However, while the advocate ceased to remain in practice, the defendant states that he was under the impression that the Written Statement had been filed by the said advocate. Having regard to the circumstances of the case, liberty should be granted to the defendant to file the Written Statement. The Written Statement is permitted to be taken on record subject to the payment of cost quantified at Rs.3000/- which shall be paid within a period of one week from today. The notice of motion is accordingly disposed of.

(Dr.D.Y.CHANDRACHUD, J.)